IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2477 OF 2006

SOU. GEETA SAKHARAM DALVI ..PETITIONER

V/S

DISTRICT DAIRY DEVELOPMENT

OFFICER, KOLHAPUR & ORS. ..RESPONDENTS

DR. V.K. CHOWDHARI FOR THE PETITIONER.

C.R. SONAWANE - AGP.

P.R. ARJUNWADKAR FOR RESP. NO.4.

CORAM : S.K. SHAH, J.

DATE : 14TH MARCH 2007.

P.C.

1. Heard learned counsel on both sides. This Writ Petition is directed against the order dated 19-1-2006 passed by the Assistant Registrar of Co-op. Societies setting aside the election held by the Respondent Society and directing fresh election to the Respondent No. 4 Society.

2. The affidavit in reply filed by the Assistant Registrar, clearly mentions that he made an enquiry pursuant to the complaints made by the Petitioner

and other members. Learned counsel representing the Respondent No. 2 - Assistant Registrar stated that the said enquiry was made in exercise of the powers under section 83 of the Maharashtra Co-op. Societies Act and came to the conclusion that there was number of irregularities found in the process of election and the said election was set aside and directed fresh election to be held. The impugned order also mentions that no resolution was passed by the general body of the society for holding the election. This order therefore will amount to revision under section 154 of the Maharashtra Co-op. Societies Act. There is other alternative and efficacious remedy available to the petitioner and therefore this petition cannot be entertained. Secondly it was found that the Petitioner herself had complained to the Assistant Registrar regarding the irregularities found in the election process and now she herself is challenging the order passed by the Assistant Registrar. Under the circumstances, I do not find any merit in the Writ Petition. The Writ Petition is therefore dismissed.

(S.K. SHAH, J.)